IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8183 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT ELECTRICITY EMPLOYEES UNION

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8183 of 2001

MR AK CLERK for Petitioner No. 1

Mr. K.B.Trivedi, Addl. A.G. with Mr. A.D. Oza, G.P. with Mr. H.D. Dave, AGP for Respondent No. 1

MR MD PANDYA for Respondent No. 2

NOTICE SERVED for Respondent No. 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 27/03/2002

ORAL JUDGEMENT

Heard learned advocate Mr. A.K. Clerk for the petitioner union and Mr. K.B. Trivedi, learned Addl. A.G. with Mr. A.D.Oza,learned G.P. with Mr. H.D. Dave, learned A.G.P. for respondent No.1 and Mr. M.D. Pandya, learned advocate for respondent No. 2. In this petition the petitioner has challenged the notification dated 26th July, 2001 which is at annexure "J" and the orders dated 30th August, 2001 passed by the respondent No.3 which are at annexure CC-1 and CC-2. In view of the notification dated 26th July, 2001, the State Government has passed order under section 2 sub clause (iv) of the Bombay Industrial Relations Act excluding the implementation of the BIR Act from the area of Choryasi Taluka of District Surat. In view of the said notification, the respondent No.3 has passed two orders, under one order, the Registration of the petitioner union as Representative Union has been cancelled and under the another order, name of the petitioner union has been cancelled from the list of approved union. Today, when the matter was taken up for hearing, learned Addl. A.G. Mr. K.B. Trivedi appearing for the State of Gujarat has placed on record the notification dated 25th January, 2002 wherein the State Government has cancelled the earlier notification dated 26th July, 2001 with original effect. Therefore, naturally, two orders passed by respondent No.3 on 30th August, 2001 on the basis of the notification dated 26th July, 2001 are, now, having no legal effect in view of the notification dated 25th January, 2002 and in view of that, now the petitioner union will be restored to original status and position which was enjoyed by it prior to the notification dated 26th July, 2001 as a representative and approved union. In view of this clarification and also in view of the subsequent notification of the State Government dated 25th January, 2002 passed by the State Government, nothing more is required to be done in this petition and with this clarification, this petition shall stand disposed of. Rule is discharged. There shall be no order as to costs. However, it is clarified that it will be open for the petitioner to move the Registry of this Court by filing mere note in case of any difficulty. Ad.interim relief, if any, shall stand vacated.

26.3.2002. (H.K. Rathod,J.)

Vyas